

Wayne RESA response to HB #5409-5418 Seclusion and Restraint in Schools

A 2006 MDE policy currently governs the use of seclusion and restraint in schools. All school districts in Wayne County adhere to this policy and it has proven to provide excellent safeguards for students, school personnel, and parents for 10 years. Seclusion and restraint are only used as last resort safety techniques for students exhibiting violent, aggressive behaviors that are an imminent threat to the safety of the student or others in the school setting.

We have one major concern regarding the proposed legislation:

- The legislation restricts the actual room or area in which a student may be secluded to those areas in a school that are “commonly used as a work space, learning space, study space, dining space, or other educational, administrative, or social activity space, or must commonly be used by the general pupil population as a voluntary decompressing space”. We believe that this is a dangerous idea. To place a violent student, a student whose behavior truly “poses an imminent risk to the safety of the individual pupil or to the safety of others” in any of those environments, and to physically prevent them from leaving would expose that student and school personnel to potential harm.

We recommend the standards for seclusion rooms established by the Council for Children with Behavioral Disorders, 2009 (a division of the Council for Exceptional Children):

“Seclusion environments should:

- Be of reasonable size allowing students to sit or lie down
- Have adequate ventilation including heat and air conditioning as appropriate
- Have adequate lighting
- ***Be free of any potential or predictable safety hazards such as electrical outlets, equipment, and breakable glass***
- Provide for direct continuous visual and auditory observation of the student
- Permit automatic release of any locking device if fire or other emergency in the school exists.”

The proposed legislation would not allow a child to use a seclusion room as they currently exist in most of our center programs for students with severe disabilities, even if a parent approves and knows that is the best option for keeping their child and others safe in the school environment.

- The legislation defines seclusion as the “confinement of a pupil in a room or other space from which the pupil is physically prevented from leaving.”
 - We recommend clarifying the definition of seclusion to match that found in the 2012 U.S. Department of Education, *Restraint and Seclusion: Resource Document*. “Seclusion is the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving.”

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September 22, 2016